

### **REMARKS**

The foregoing amendments and these remarks are responsive to the Office Action mailed June 17, 2004 in connection with the above-identified application. The Applicant notes that the Applicant's submission filed on March 24, 2004 has been entered.

#### **Claim Rejections 35 U.S.C. § 102(e)**

In the Action, 1, 3-11, and 14 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kroeger, U.S. Patent Appln. Pub. No. 2002/0138391 A1.

In response to the Examiner's rejection, the Applicant submits herewith the Declaration Under 37 C.F.R. 1.131 of Timothy J. Messler ("the Messler Declaration"), which establishes invention of the subject matter of the claimed invention prior to the 102(e) date of the Kroeger reference, i.e. December 23, 2000.

The Messler Declaration is proper for the following reasons:

1. The facts in the Declarations are set forth by the inventor of the claimed invention.
2. Prior invention is established in the United States.
3. The rejected claims of Applicant's invention do not claim the same patentable invention as the Kroeger reference.
4. The rejection is not based on a statutory bar as the Kroeger publication date is not more than one year prior to Applicant's effective filing date.

The Applicant submits that the Messler Declaration serves to antedate the Kroeger

publication. The inventor, Timothy J. Messler, conceived of the invention in 1999. Messler Declaration, ¶ 4. The invention was actively developed throughout the year 2000 by eengineeringsolutions.com. Messler Declaration, ¶ 5. The initial phase of the invention disclosed in the above-identified patent application was completed prior to December 23, 2000. Messler Declaration, ¶ 7.

As evidence of the fact that the invention was reduced to actual practice prior to December 23, 2000, the Messler Declaration includes a copy of a Business Plan for eengineeringsolutions.com dated November 2000. The Business Plan establishes the place of invention as Palm Beach Gardens, Florida. The Business Plan describes the marketing plans for the invention, and it was confidentially presented to a select group of potential investors in November 2000. Messler Declaration, ¶ 8. From November 2000 to Applicant's filing date of April 6, 2001, eEngineeringsolutions.com continued to diligently develop the project. Messler Declaration, ¶ 8.

The Applicant submits that the Messler Declaration serves to antedate the Kroeger reference, and respectfully requests the withdrawal of the rejection under 35 U.S.C. 102(e) of claims 1, 3-11, and 14.

While the Applicant believes that the foregoing effectively establishes prior invention, it is further submitted that Applicant's claims 1, 3-11, and 14 remain patentable over the Kroeger reference, and Applicant therefore wishes to submit the following arguments into the record of the application.

The Applicant wishes to point out that the invention disclosed by the Kroeger

reference is wholly different in concept and implementation than Applicant's invention. The Applicant's invention is essentially a refined Internet search engine which provides guided "smart" searching capabilities, and which allows an individual user to store and organize retrieved information in a manner useful to those working in various engineering disciplines. The library of information available to a user of Applicant's system is not stored on a central server, but is scattered throughout the Internet via the World Wide Web (www). The Applicant's invention provides a novel means to efficiently retrieve and correlate information resident on the Internet which is widespread and difficult for the unguided user to locate.

In contrast, in the Kroeger system, the library information is stored at one single location. As stated in Kroeger at paragraph 0091: "All information may be stored centrally on a company server or on a customer's server." In the paragraphs cited as relevant by the Examiner, the Internet is used by remotely located individuals to access the data on the central server. In paragraph 0132, Kroeger states, "If sub-contractors or architects/engineers have web access to the central system, they may enter their information directly." Kroeger Paragraphs 0133 and 0134 describe scenarios in which email is used to access the central server. Kroeger paragraph 0145 states: "If the contractor or subcontractor has Internet access, they may link to the central server, enter a name and password (or register) and review the bid package."

The Examiner has cited the foregoing paragraphs of Kroeger as reading on the following feature from Applicant's claim 1:

“creating a database based on publicly accessible data located in www sites for approved engineering specific URL links. . .”

However, the cited paragraphs only describe a way that the Internet can be used in Kroeger to remotely access information stored on a central server. The Applicant submits that Kroeger does not read on the above feature of Applicant’s claim 1. The Applicant’s system does not have information stored on a central server. The Applicant’s system provides an Internet portal by which relevant information can be located on the Internet. This is accomplished by providing a database of URL links. The Kroeger system only uses the Internet as a communication means by which outside parties can access the central server.

The Examiner cites paragraph 0118 as reading on the following feature of claim 1:

“Indexing said database according to predetermined engineering search queries. . .”

The Applicant wishes to point out that paragraph 0118 merely states that documents can be viewed in any format (docs, xls, dwgs, and jpegs) through single browser viewer. The Kroeger reference does not in any way disclose the practice of indexing a database of URLs. Kroeger does not read on this feature of Applicant’s invention because it does not disclose the use of a database of URL links and further does not disclose indexing of such a database.

The Examiner cites paragraphs 0110-0115 as applicable the following feature of claim 1:

“retrieving URL links according to the database inquiry . . .”

The cited paragraphs in no way disclose retrieving data from URL links via a web browser. In paragraph 0112 Kroeger discloses the use of Microsoft Explorer to organize documents on the server, however Microsoft Explorer, a file management tool, has nothing in common with Internet Explorer, a well known web browser.

The Examiner cites paragraphs 0145-0147 as reading on the following feature of claim 1:

“accessing www Web pages related to the retrieved URL links . . .”

As quoted above, paragraph 0145 states as follows: “If the contractor or subcontractor has Internet access, they may link to the central server, enter a name and password (or register) and review the bid package.” Again, the cited paragraphs are directed to remotely located parties accessing the server via the Internet, and do not suggest or disclose accessing Web pages. The cited paragraphs do not read on this feature of Applicant’s invention.

In summary, the Applicant’s system has more in common with well known Internet search engines (such as Google and AltaVista) than the Kroeger system. In the Applicant’s system, any client computer can be used independently to compile an engineering checklist via a Web search. The Applicant submits that the use of the Internet in the Kroeger system and the use of the Internet in Applicant’s system are dissimilar and cannot be said to support an assertion commonality between the two systems.

The Applicant again requests the withdrawal of the rejections under 35 U.S.C. §

102(e) in view of the Declaration Under 37 CFR 1.131 to establish prior invention as well as in view the above arguments.

**Prior Art Made of Record**

The Applicant has reviewed the prior art made of record and not relied upon. The Applicant respectfully submits the present invention is patentable thereover.

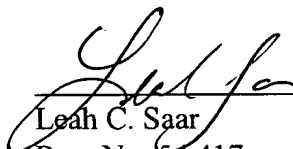
**Conclusion**

The Applicant respectfully submits that the application now stands in condition for allowance. The Examiner is requested to telephone the undersigned in order to discuss any further objections, allowing Applicant to expedite a response.

Respectfully submitted,

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Date

  
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